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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,837

12/11/2003

Andrew J. Cleveland

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EXAMINER

DESCHERE, ANDREW M

ART UNIT

PAPER NUMBER

2836

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/732,837	CLEVELAND, ANDREW J.	
	Examiner	Art Unit	
	Andrew M. Deschere	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27 and 29-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27 and 29-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>16 May 07</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 20 February 2007 has amended claims 27, 32, 34, and 35. Claim 28 has been cancelled. Independent claims 27 and 35 now recite language regarding visual displays that "at least partially simultaneously" report information regarding first and second power phases. Independent claim 41 was previously presented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27 and 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "at least partially simultaneously" renders the claims indefinite. It is unclear to the Examiner how two actions may occur "partially" simultaneously; either they occur at the same time or they do not. In view of the telephonic interview with Mr. Justin Wagner on 16 March 2007, the Examiner will interpret the phrase "at least partially simultaneously" as meaning two actions overlap in their occurrences.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 29-33, 35, and 38-40 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,628,009 (Chapel) in view of European Patent 324376 (Kobel).

Chapel discloses a load balanced polyphase power distributing system (Figures 1 and 4) with rack-mounted, elongated, vertically mounted power strips 30A, 30B, 30C, and 30D. Power is supplied to the system via polyphase input cables 4 and 5, and the system has outputs 31, 32, and 33 associated with phase inputs. Phase inputs 21, 22, and 23 are seen in the system input plug in Figure 3, along with neutral path 24 and ground path 25.

While Chapel discloses load balancing, there is no suggestion to use visual displays to report power information of multiple phases in the system. Kobel discloses an electronic overcurrent trip system that simultaneously measures current in all phases. The measured values are indicated on separate displays (elements 1, 2, and 3 in the Figure), which maintain the fault current values if a trip occurs. A combination of Chapel and Kobel would provide separate visual current displays for each phase in a power distribution system. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the overcurrent trip system of Kobel in the invention of Chapel to prevent overcurrent conditions and provide reliable analysis if a fault occurs.

Claims 34, 36, and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapel and Kobel in view of United States Patent 4,528,497 (Arato).

A combination of Chapel and Kobel provides a polyphase power distribution system with overcurrent detection and visual display of each phase current, but does not teach the use of a sensory or audible alarm when a trip occurs. Arato teaches a fault monitoring system for electrical systems, and discloses that an overcurrent condition will actuate alarm circuitry

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(column 3, lines 52-55). Associated with the alarm circuitry are audible and visual alarms 60 (Figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide audible and visual alarms in the combination of Chapel and Kobel to provide a further safety measure to facilitate notification to the user of an overload condition.

Claims 41 and 44-46 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patents 6,628,009 (Chapel) 4,581,705 (Gilker).

Chapel discloses a load balanced polyphase power distributing system (Figures 1 and 4) with rack-mounted, elongated, vertically mounted power strips 30A, 30B, 30C, and 30D. Power is supplied to the system via polyphase input cables 4 and 5, and the system has outputs 31, 32, and 33 associated with phase inputs. Phase inputs 21, 22, and 23 are seen in the system input plug in Figure 3, along with neutral path 24 and ground path 25.

While Chapel discloses load balancing, there is no suggestion to use visual displays to report power information of multiple phases in the system. Gilker teaches a metering machine that may be combined with power distribution equipment (column 10, lines 29-41). A digital visual display (Figures 1 and 2) provides information about the instantaneous, average, or peak current of each of four phases. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the visual display of Gilker in the invention of Chapel in order to provide a user with visual indication of the current in each phase of a power distribution system, so that excessive current conditions may be avoided.

Claims 42 and 43 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapel, Gilker, and United States Patent 4,528,497 (Arato).

A combination of Chapel and Gilker provides a polyphase power distribution system with a current phase display, but does not teach the use of a sensory or audible alarm. Arato teaches a fault monitoring system for electrical systems, and discloses that an overcurrent condition will actuate alarm circuitry (column 3, lines 52-55). Associated with the alarm circuitry are audible and visual alarms 60 (Figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide audible and visual alarms in the combination of Chapel and Gilker to provide a further safety measure to facilitate notification to the user of an overload condition.

Response to Arguments

Applicant's arguments with respect to claims 27 and 35, regarding separate visual display sections and partially simultaneous reporting of phase information have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 41 have been fully considered but they are not persuasive.

With regard to the Applicant's argument that Gilker does not teach a plurality of digital visual display modules, the Examiner respectfully traverses. Albeit further clarification and revision of the claim language or a special definition for the phrase "digital visual display modules", the Examiner contends that the individual rows of the digital visual display device of Gilker may be reasonably interpreted as its "modules".

With regard to the Applicant's argument that Gilker does not teach "simultaneous display of power information for multiple power phases", the Examiner asserts that the claim language does not support such an argument.

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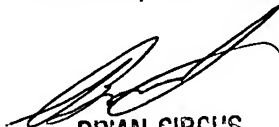
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Deschere whose telephone number is (571) 272-8391. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMD


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